

Response
Serial No. 10/621,860
Attorney Docket No. 062373

REMARKS

Claims 1, 5-11 and 13 – 34 are pending in the present application. By this Amendment, claims 1, 11 and 13 have been amended, claims 19-26 and 31-34 have been cancelled and new claims 35 and 36 have been added. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated August 14, 2006.

Request For Information under 37 CFR 1.105:

With regard to the Examiner's request concerning "*(v) Information used in invention process;*" the Applicants submit herewith with an Information Disclosure Statement that includes all the references made of record in the co-pending application no. 10/621,859 along with a publication entitled, "Clemson Extension for Residential Housing," which provides a relevant discussion of the meanings of different wood moisture content levels for a residential homeowner. Accordingly, Applicants submit that they are in full compliance with the duty of disclosure required under 37 CFR 1.56.

With regard to the Examiner's request concerning "*(vii) In Use;*" the Applicants hereby include as an attachment the very first invoice dated December 3, 2002 for services rendered using the novel and non-obvious method and system of the present claimed invention.

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With regard to the Examiner's request for "*(viii) Technical information known to applicant,*" the Applicants again note the submission of the publication entitled, "Clemson Extension for Residential Housing," which provides a relevant discussion of the meanings of different wood moisture content levels for a residential homeowner.

Further, with regard to the Examiner's inquiry regarding the software used to generate the certificate, it is submitted that the certificate is generated by software developed by the Applicants. As discussed on page 3, lines 28-31 and page 5, lines 3-8 of the present specification, the certificate certifies that the moisture content levels measurements have been made and may include a print of the measurement data, showing all the measurements values, if desired.

35 U.S.C. §112 First Paragraph Rejection:

Claims 1, 11 and 19 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with it is most nearly connected, to make and/or use the invention.

This rejection is respectfully traversed.

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The Examiner asserts that the determining feature of claims 1 and 11 is not described in the present specification. However, it is submitted that the present specification clearly specifies on page 5, lines 8-14, that according to step 16 of the flow chart of Fig. 1, that a determination is made in step 16 based on the results of the report. That is, in step 14, a report of the measured moisture content readings of step 12 is provided to the operator who has taken the readings and based on a **visual inspection** of this report, generated in step 14, the operator is able to easily determine whether or not all of the readings are below a desired level, i.e., 20%. As such, it is submitted that one of ordinary skill in the art would readily understand how to determine if the moisture content readings are below a desired level as called for in claims 1 and 11 based on a visual inspection of the report generated in step 14. Therefore, it is submitted that one of ordinary skill in the art would readily understand how to make and/or use the features of the claimed invention based on the specification as originally filed.

Accordingly, withdrawal of this rejection is respectfully requested.

35 U.S.C. §112, Second Paragraph Rejection:

Claim 13 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

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This rejection is respectfully traversed.

Claim 13 has been amended to overcome this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

As To The Merits:

As to the merits of this case, the Examiner sets forth the following rejections:

1) claims 1, 5-11 and 13-14 stand rejected under 35 USC 102(b) as being anticipated by the data and brochure sheets for the Quest Technologies Indoor Air Quality Monitors models aq-5000 and aq-5001 (hereinafter referred to as “Quest”); and

2) claims 1, 5-11 and 13-14 stand rejected under 35 USC 103(a) as being unpatentable over Rynhart et al. (USP 6,340,892)

Each of these rejections is respectfully traversed.

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Independent claim 1, as amended, now calls for *measuring a plurality of moisture content levels within said interior portion of the structure; determining if each of said plurality of moisture content levels is within a desired level; and issuing a moisture level compliance certificate if the result of said determining step is that each of said plurality of moisture content levels is below the desired level; wherein said measuring step includes taking measurements of said moisture content levels around at least one window frame and at least one door frame, and along at least one floor, at least one wall and at least one ceiling, all of which are included within said interior portion of said structure.* Independent claim 11 includes similar features. Support for such amendments are clearly provided, for example, on page 4, lines 10-18 of the present specification.

It is respectfully submitted that each of the applied references, Quest and Rynhart et al., is simply not concerned with taking measurements of moisture content levels around at least one window frame and at least one door frame, and along at least one floor, at least one wall and at least one ceiling, all of which are included within an interior portion of a structure, determining if each of the plurality of moisture content levels is within a desired level; and issuing a moisture level compliance certificate if it is determined that each of the plurality of measured moisture content levels is below the desired level in order to certify that the interior portion of a structure is free from mold, moisture and any damage thereof that may result from mold or moisture.

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As such, it is respectfully submitted that each of the applied references, Quest and Rynhart et al., fails to disclose or fairly suggest the features of claim 1, as amended, concerning *measuring a plurality of moisture content levels within said interior portion of the structure; determining if each of said plurality of moisture content levels is within a desired level; and issuing a moisture level compliance certificate if the result of said determining step is that each of said plurality of moisture content levels is below the desired level; wherein said measuring step includes taking measurements of said moisture content levels around at least one window frame and at least one door frame, and along at least one floor, at least one wall and at least one ceiling, all of which are included within said interior portion of said structure.*

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

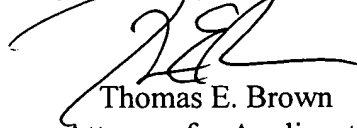
If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'TEB', is written over the printed name of Thomas E. Brown.

Thomas E. Brown
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Attachment: Copy of Invoice dated December 3, 2002

Clackamas Restoration Inc.

Invoice

12615 SE Nixon
Milwaukie, OR 97222
Phone 503-652-3997
Fax 503-786-6792

Date	Invoice #
12/3/2002	342611

Bill To
D.R. HORTON 4386 S.W. Macadam Ave. Suite 102 Portland, OR 97201

JOB ADDRESS:

Project	P.O. No.	Sub-Invoice
Roads End lot32		

Description	Qty	Rate	Class	Amount
Drying Program	1	495.00		495.00
Total				\$495.00
Payments/Credits				\$-495.00
Balance Due				\$0.00